

No.

7700043



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**J. Joordens' Zaadhandel B.V.**

**Whereas, THERE HAS BEEN PRESENTED TO THE  
Secretary of Agriculture**

AN APPLICATION REQUESTING A **CERTIFICATE OF PROTECTION** FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, **THE NAME AND DESCRIPTION OF WHICH** ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF **LAW** IN SUCH CASES MADE AND PROVIDED **HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.**

**NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF seventeen YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS SEED OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS PROVIDED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)**

**ANNUAL RYEGRASS**

**'Aubade'**

*In Testimony Whereof, I have hereunto set  
my hand and caused the seal of the Plant  
Variety Protection Office to be affixed  
at the City of Washington  
this 18th day of March in  
the year of our Lord one thousand nine  
hundred and seventy-seven*

*Attest:*

*L. J. Rollin*  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*Bob Dwyer*  
Secretary of Agriculture

## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

1. VARIETY NAME OR TEMPORARY DESIGNATION <b>AUEADE</b>	2. KIND NAME <b>ANNUAL TYPE</b>	FOR OFFICIAL USE ONLY	
3. GENUS AND SPECIES NAME <b>Lolium multiflorum</b>	4. FAMILY NAME (Botanical) <b>Gramineae</b>	PV NUMBER <b>7143</b>	
	5. DATE OF DETERMINATION <b>1968</b>	FILING DATE <b>3.22.71</b>	TIME <b>3:30 P.M.</b>
		FEE RECEIVED <b>\$ 250.00</b>	BALANCE DUE <b>\$ —</b>
		<b>\$ 250.00</b>	<b>\$ —</b>
6. NAME OF APPLICANT(S) <b>J. Joordens'Zaadhandel B.V.</b>	7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) <b>Kazernestraat 6 VENLO/BLERICK THE Netherlands</b>	8. TELEPHONE AREA CODE AND NUMBER <b>077 - 21545</b>	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) <b>Incorporation BV = Inc.</b>		10. STATE OF INCORPORATION <b>The Netherlands</b>	11. DATE OF INCORPORATION <b>3 Oct 1931</b>
12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers: <b>The Landis Company Inc. P.O. Box 385, Waupaca wics.</b>			

## 13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)  
☒ 13B. Exhibit B, Botanical Description of the Variety  
☒ 13C. Exhibit C, Objective Description of the Variety  
☒ 13D. Exhibit D, Data Indicative of Novelty  
☒ 13E. Exhibit E, Statement of the Basis of Applicant's Ownership

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? (See Section 83(a). (If "Yes," answer 14B and 14C below.) ☒ YES ☐ NO14B. Does the applicant(s) specify that this variety be limited as to number of generations? ☒ YES ☐ NO14C. If "Yes," to 14B, how many generations of production beyond breeder seed? ☒ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

4 - 11 - 1975  
(DATE)J. Joordens'Zaadhandel B.V.  
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

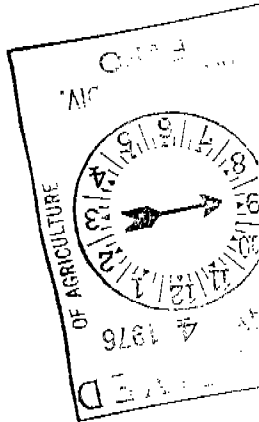
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## INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

## ITEM

- 5 Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.
- 13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.
- 13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.
- 13c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.
- 13d Provide complete data indicative of novelty. Seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty may be submitted. Seeds submitted may be sterile.
- 13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.





# J. JOORDENS' ZAADHANDEL N.V.

2e GRAAF VAN LOONSTRAAT 40  
TELEFOON 04700 - 21545 (2 LIJNEN)  
POSTREKENING 1 03 18 19

VENLO-BLERICK

7100043

Telegram-adres: JOORDENS VENLO

Bankiers: BANK VAN HAFFMANS & STEEGH N.V., VENLO  
AMSTERDAM - ROTTERDAM BANK N.V., VENLO

Erkend Selectiebedrijf voor Landbouwzaden

VENLO-BLERICK,  
HOLLAND

## EXHIBIT A : Origin and breeding history of the variety "AUBADE"

The breeding of the variety AUBADE started in 1965 by treating a sample of seeds of the old variety "Westerwolds Landras" with the chemical "COLCHICHINE" to induce tetraploidy. Most of the seedlings died, but from the 15 surviving plants 10 seemed tetraploid. In the following generation still 2 lines were removed for doubtful in tetraploidy. The 8 remaining lines were very similar and are bulked to produce the first breedersseed.

### Conservation of the variety:

The conservation of the variety will be assured by the stockage of a great lot of breedersseed, dried back to 5% moisture and canned to conserve germination during 10 years or more. Every year a part of this stock will serve to produce foundationseed and basic seed.

Alle kopen en verkopen geschieden, wanneer niet anders overeengekomen, op Algemene Handelsvoorwaarden (A.H.V.Z.) - Leveringen af hier. Goederen reizen voor rekening en risico van de koper. - Alle betalingen dienen te geschieden ten onzen kantore binnen 60 dagen te rekenen vanaf factuurdatum. - Bij contante betaling 1% korting. - Bij niet-tijdige betaling is verschuldigd rente ad. 6 procent 's Jaars, te rekenen vanaf de vervaldatum. - Alle kosten van inning, zowel gerechtelijk als buitengerechtelijk komen ten laste van debiteur.

00002



# J. JOORDENS' ZAADHANDEL B.V.

KAZERNESTRAAT 6  
TELEFOON 077-21545\*

VENLO-BLERICK

POSTREKENING 1031819  
K.V.K. VENLO NR 1008  
TELEX NUMMER 58412

7100043

TELEGRAM ADRES JOORDENS VENLO  
AMROBANK N.V. VENLO NR 48.40.40.480  
Erkend kweekbedrijf voor Landbouwzaden

VENLO-BLERICK 16-4-1976  
HOLLAND

## Statement of stability.

The variety AUBADE is grown in Holland during 6 years.  
All control-samples were found within the limit , regarding:

- date of ear emergency.
- plant height.
- ear length.
- growth habit.
- broadness of the leaves.

Alle kopen en verkopen geschieden, wanneer niet anders overeengekomen op Algemene Handelsvoorwaarden (A.H.V.Z.)-Leveringen af hier. Goederen reizen voor rekening en risico van de koper. - Alle betalingen dienen te geschieden binnen 30 dagen te rekenen vanaf factuurdatum. - Bij contante betaling 1 % korting. - Bij niet tijdige betaling is rente verschuldigd te rekenen vanaf de vervaldatum. - Alle kosten van inning zowel gerechtelijk als buitengerechtelijk komen ten laste van koper. De kredietbeperkingstoeslag mag bij betaling binnen een maand in mindering worden gebracht.

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# J. JOORDENS' ZAADHANDEL B.V.

KAZERNESTRAAT 6  
TELEFOON 077-21545\*

VENLO-BLERICK

POSTREKENING 1031819  
K.V.K. VENLO NR 1006  
TELEX NUMMER 58412

7100043

TELEGRAM ADRES JOORDENS VENLO  
AMROBANK N.V. VENLO NR 48.40.480  
Erkend kweekbedrijf voor Landbouwzaden

VENLO-BLERICK 16-4-1976  
HOLLAND

## Statement of homogeneity AUBADE.

### AUBADE

### JAMESTOWN

date of ear maturity days after 1 april.

69 sigma 5,0

39 sigma 8,2

flagleave width

10,2 mm sigma 1,5

2,7 mm sigma 0,5

flagleave length

21 cm sigma 5

11,4 cm sigma 2,8

plant height

94 cm sigma 13

91 cm sigma 9,7

ear length

24 sigma 4,4

12,1 cm sigma 2,9

growth habit (9 = erect , and 0 = flat.)

7,5

3,3

Alle kopen en verkopen geschieden, wanneer niet anders overeengekomen op Algemene Handelsvoorwaarden (A.H.V.Z.)-Leveringen af hier. Goederen reizen voor rekening en risico van de koper. - Alle betalingen dienen te geschieden binnen 30 dagen te rekenen vanaf factuurdatum. - Bij contente betaling 1 % korting. - Bij niet tijdige betaling is rente verschuldigd te rekenen vanaf de vervaldatum. - Alle kosten van Inning zowel gerechtelijk als buitengerechtelijk komen ten laste van koper. De kredietbeperkingtoeslag mag bij betaling binnen een maand in mindering worden gebracht.

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# J. JOORDENS' ZAADHANDEL B.V.

KAZERNESTRAAT 6  
TELEFOON 077-21545\*

VENLO-BLERICK

POSTREKENING 1031819  
K.V.K. VENLO NR 1006  
TELEX NUMMER 58412

7100043

TELEGRAM ADRES JOORDENS VENLO  
AMROBANK N.V. VENLO NR 48.40.480  
Erkend kweekbedrijf voor Landbouwzaden

VENLO-BLERICK 16-4-1976  
HOLLAND

## Statement of stability.

Method: each year all samples of pre-basic, basic and commercial-seed drawn out of certified lots are grown by the N.A.K. (Wageningen) in rows and single plants.

They are judged on homogeneity and stability against the standard sample which is sent in by the application of plantbreeders rights.

During all the testyears all lots were equal to the standard sample or stand only different within the limit.

Alle kopen en verkopen geschieden, wanneer niet anders overeengekomen op Algemene Handelsvoorwaarden (A.H.V.Z.)-Leveringen af hier. Goederen reizen voor rekening en risico van de koper. - Alle betalingen dienen te geschieden binnen 30 dagen te rekenen vanaf factuurdatum. - Bij contante betaling 1 % korting. - Bij niet tijdige betaling is rente verschuldigd te rekenen vanaf de vervaldatum. - Alle kosten van inning zowel gerechtelijk als buitengerechtelijk komen ten laste van koper. De kredietbeperkingstoelag mag bij betaling binnen een maand in mindering worden gebracht.

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Erkend Selectiebedrijf voor Landbouwzaden

VENLO-BLERICK,  
HOLLAND

EXHIBIT B : Botanical description of the variety AUBADE.

Species: Italian ryegrass (*Lolium multiflorum*)  
Subspecies: Annual type (*Lolium multiflorum westerwoldicum*)  
Ploidy: Tetraploid  
Seeds: 1000 grain weight: 4 gr. thick and rather short seed  
Leaves: very long and broad  
Stems: thick but soft  
Aers: very long  
Colour: very dark green  
Resistance to rust: very good  
Regrowth: very quick and abundant  
Drought resistance: very good

Alle kopen en verkopen geschieden, wanneer niet anders overeengekomen, op Algemene Handelsvoorwaarden (A.H.V.Z.) - Leveringen af hier. Goederen reizen voor rekening en risico van de koper. - Alle betalingen dienen te geschieden ten onzen kantore binnen 60 dagen te rekenen vanaf factuurdatum. - Bij contante betaling 1% korting. - Bij niet-tijdige betaling is verschuldigd rente ad. 6 procent 's Jaars, te rekenen vanaf de vervaldatum. - Alle kosten van inning, zowel gerechtelijk als buitengerechtelijk komen ten laste van debiteur.

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U.S. DEPARTMENT OF AGRICULTURE  
Agricultural Marketing Service  
Grain Division  
Objective Description of Cultivars  
RYEGRASS  
(*Lolium* spp.)

Application No: 7143

"AUBADE"

7100043

## 1. SPECIES:

- ☒ 1=L. multiflorum (annual or Italian: includes Westerwoldicum)  
☐ 2=L. perenne (perennial) ☐ 3=L. rigidum (includes Wimmera)  
☐ 4=Hybrid (of species) ☐ 5=Other (specify) \_\_\_\_\_

## 2. PLOIDY:

- ☒ 1=Diploid ☐ 2=Tetraploid ☐ 3= Other (specify) \_\_\_\_\_

## 3. DURATION:

- ☒ 1=Annual or biennial ☐ 2=Short lived perennial (3-4 years)  
☐ 3=Perennial (more than 4 years)

## STANDARD CULTIVARS

1=Gulf 2=Wimmera 62 3=Linn 4=Pelo  
 5=Norlea 6=Aberystwyth S-23 7=Manhattan 8=Pennfine

## 4. MATURITY (50% Headed): (Use standard cultivars from above.)

- ☒ 1=Very early ☐ 3=Early ☐ 5=Medium ☐ 7=Late ☐ 9=Very late  
☐ Days earlier than ☐ standard cultivar  
☒ Days later than ☐ standard cultivar by spring sowing

## 5. MATURE PLANT HEIGHT: (Use standard cultivars from above.)

- ☒ 120 cm. High ☐ cm. Shorter than ☐ standard cultivar  
☐ cm. Taller than ☐ standard cultivar under best conditions

## 6. PERCENT WINTER DAMAGE (estimated as percent of the area appearing dead): (Use standard cultivars from above.)

- ☐ Percent damage of application cultivar Can stand frosts of - 8 - - 10 C°  
☐ Percent damage of ☐ standard cultivar

## 7. TURF DENSITY: (Use standard cultivars from above.)

- ☐ Tillers per 100 sq. cm. Rather few (not used for turf purposes)  
☐ Less tillers per 100 sq. cm. than ☐ standard cultivar  
☐ More tillers per 100 sq. cm. than ☐ standard cultivar

## 8. FLAG LEAF (at full growth): (Use standard cultivars from above.)

- ☐ cm. Length (from ligule to tip)  
☐ cm. Shorter than ☐ standard cultivar  
☒ 30 % cm. Longer than ☐ standard cultivar  
☒ mm. Width (at widest point)  
☐ mm. Narrower than ☐ standard cultivar  
☒ 40 % mm. Wider than ☐ standard cultivar  
☒ 3 Flag leaf at boot stage: 1=Deflexed 3=Recurved 5=Horizontal  
 7=Semi-erect 9=Erect

## 9. LEAVES:

- ☒ Vernation: 1=Leaves rolled in young shoots  
 2=Leaves semi-rolled (folded with rolled edges)  
 3=Leaves folded in young shoots  
☐ 10 % Plants with anthocyanin in lower leaf sheath  
☒ 4 Foliage color: 1=yellow green 2=medium green 3=blue green 4=dark green

## 10. SPIKE:

- ☐ mm. Spike length (tip to internode below lowest floret)  
☐ mm. Shorter than ☐ (Use standard cultivars from above.)  
☐ mm. Longer than ☐

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## 10. SPIKE (continued):

			▲
			▲
			▲

mg. per ten spikes (trimmed to internode below lowest floret)

mg. lighter per ten spikes than mg. heavier per ten spikes than 

Florets per spikelet

Percentage of plants with:

Rachis:

--	--	--

% smooth

--	--	--

% rough

Spike color:

1	0	0
---	---	---

% green

--	--	--

% purple

Lemma:

1	0	0
---	---	---

% awned

		7
--	--	---

mm. awn length

--	--

mm. glume length

1=Spikelet length nearly equal to outer glumes

2=Spikelet length much longer than outer glumes

## 11. COLEOPTILE:

--	--	--

%Plants with anthocyanin in coleoptile

## 12. ANTHOR COLOR:

--	--	--

% Plants with white anthers

--	--	--

% Plants with yellow anthers

% Plants with purple anthers

## 13. ROOT AND PLANT CHARACTERS:

--	--	--

% Plants with prostrate growth habit

1	0	0
---	---	---

% Plants with upright growth habit

1	0	0
---	---	---

% Plants with fluorescent roots

## 14. SEED: depends on seed lot: Aubade has short thick seeds

	4	0
--	---	---

mg. per 1,000 seed

--	--	--

mm. total length

of 10 seeds

--	--	--

mm. total width

of 10 seeds

## 15. DISEASE (0=Not tested, 2=Highly susceptible, 4=Moderately susceptible, 6=Moderately resistant, 8=Highly resistant):

8
---

Crown rust (*Puccinia coronata*)

6
---

Leaf spot (*Helminthosporium*)

0
---

Snow mold (*Typhula*)

0
---

Dollar spot (*Sclerotinia*)

6
---

Mildew

0
---

Red thread (*Corticium*)

0
---

Brown patch (*Rhizoctonia*)

0
---

Other (specify)

## 16. INSECT (0=Not tested, 2=Highly susceptible, 4=Moderately susceptible, 6=Moderately resistant, 8=Highly resistant):

0
---

Specify

## 17. GIVE RESEMBLANCE VALUE IN LEFT COLUMN AND VARIETY IN RIGHT COLUMN FOR VARIETY WITH WHICH COMPARISON IS MADE: (1=Less than, 2=Same as, 3=More erect, more resistant, denser, more persistent, darker or greater height.)

Resemblance

Character

Similar variety

1
2
3
3
4
3
3
3
3
3
3

Plant habit (erectness)

Gulf

Tillering

"

Winter hardiness

"

High temp. stress resistance

"

Turf persistence

"

Plant color

"

Vertical seedling growth rate

Crown density

Mower shredding resistance

## 18. GIVE AREA OF ADAPTATION AND INTENDED USE: Gulf States U.S.A.

## 19. GIVE AREA TEST RESULTS PRESENTED FROM:

COMMENTS: Aubade is more persistent than gulf and gives still yields 3-4 month after Gulf is finished

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8/4/75

Exhibit D.

7100043

AUBADE

The variety AUBADE is a tetraploid variety with a early heading-date and a very broad flagleave.

The variety is most similar to Tewera and Barspectra (Bar Lw 3). but is different from these varieties by its earlier heading-date, and a shorter plant-height.

Heading-date	Aubade	24/6.
	Pollanum	26/6.
	Tewera	28/6.
	Barspectra	28/6.

We include a foto-copy of the tabel of heading-dates, received from I.V.R.O. Wageningen.

And a foto-copy and translation of the official description of the Dutch Plant variety rights office in Wageningen and a foto-copy of the Grant of plant breeders'rights in U.K.

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7100043

## BUNDESSORTENAMT

XXXXXX Referat L I 6

3000 Hannover 72, den 10. Feb. 1975

Firma

J. Joordens' Zaadhandel BV  
Venlo-Blerick/Niederlande

über

Herrn Wilhelm Kutschera  
in Firma Feldsaaten Freudenberger

415 K r e f e l d 11

Postfach 104

Betr.: Ergebnis der Registerprüfung 19.74

Nachprüfung des Fortbestehens der Sorte - Sortenüberwachung -

Art: Einjähr. Weidelgras Sortenbezeichnung: A u b a d e Kenn-Nr. WEI 27

Prüferte: Scharnhorst und Eder am Holz

Anbaudaten: Aussaat in Scharnhorst: 29. 3. 1974

Aussaat in Eder am Holz: 9. 4. 1974

1) Gruppe: Tetraploid

Untergruppe: -

Teilgruppe: -

2) Merkmalsfeststellungen:

3) Feststellung zur: \*

~~zu Nachbarn Unterscheidbarkeit noch nicht zu beurteilen, voraussetzungen nicht gegeben~~~~zu Beständigkeit noch nicht zu beurteilen, Tageloh nicht gegeben~~~~zu Homogenität gegeben nicht gegeben~~

Homogenität: gegeben

4) Bemerkungen:

zu 3 c)

Im Beobachtungsjahr 1974 störten 6 % mindestens 3 Tage spätere  
Pflanzen.

Im Auftrag

Dr. Beuster

\* Nichtzutreffendes ist gestrichen

Diese Unterrichtung erfolgt gem. § 12 der Sortenschutzverordnung / § 14 der Sorteneintragungsverordnung

Datum 30-12-1975

Vervolgblad

Federal variety institute.

Referent to L I 6

Concerning: Results of registration trials 1974  
species: Westerwolds ryegrass. variety name: Aubade

Place of trial: Scharnhorst und Eder am Holz

Sowing dates: sowing in Scharnhorst 29-3-1974.

sowing in Eder am Holz 9-4-1974.

1. Group: tetraploid.

under group:

Second under group:

2. Character determination:

3. Fixation on:

Homogeneity. positive.

4. Other remarks:  
to 3.

In the observation year 1974 6% of the Plants had a heading-date  
of 8 or more days later.

Dr. Beuster

00012

Datum 5-11-75

Vervolgblad

214 Westerwolth Reygrass-2.12

Institute for varietal research of agricultural crops

Report concerning the variety

Aubade, L 2061

january 1975

Application in accordance with art. 18.2 Z.P.W.

Applicant : J.Joordens'Zaadhandel B.V. Venlo-Blerick.

Date of application : 23 october 1967.

Breeding history : in the discription form is indicated that  
the variety is bred by colchichine treat-  
ment of Westerwolth Landras.

Aubade is a tetraploïd, rather early heading variety with a  
very broad flag leave.

The variety shows resamblance with "Tewera" and "BAR Lw 3  
(L 2103)", but differs from these varieties by its earlier  
heading date and shorter plantheight.

It is not shown that an other than the applicant has bred  
the variety.

#### Conclusions:

1. Aubade is regarded as a different and homogene unit  
for agricultural purposes.
2. The applicant has created the variety by his own  
breedingwork.

The expert:

R.Duyvendak.

00013

## Rapport betreffende het ras

Aubade, L 2061

januari 1972

Aanvraag ingevolge artikel 18.2 Z.P.W.

Aanvrager : J. Joordens' Zaadhandel N.V., Venlo-Blerick.  
Datum van aanvraag : 23 oktober 1967.  
Ontstaan : Volgens het beschrijvingsblad is het ras ontstaan door  
colchicinerings van Westerwolds Landras.

Aubade is een tetraploid, tamelijk vroeg doorschietend ras met een zeer breed vlagblad.

Het ras toont overeenkomst met Tewera en BAR Lw 3 (L 2103), maar verschilt hiervan naast een vroegere doorschietdatum door een geringere halmlengte.

Het is niet gebleken dat een ander dan de aanvrager het ras heeft gewonnen.

## Conclusies :

1. Aubade wordt voor cultuuroeleinden als een zelfstandige eenheid beschouwd.
2. De aanvrager heeft het ras door eigen kweekarbeid gewonnen.

De deskundige :

*R. J. J. J. J.*

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Bankiers: BANK VAN HAFFMANS & STEEGH N.V., VENLO  
AMSTERDAM-ROTTERDAM BANK N.V., VENLO

Erkend Selectiebedrijf voor Landbouwzaden

VENLO-BLERICK,  
HOLLAND

## EXHIBIT E: Statement of the Basis of applicant's Ownership.

We hereby declare that the variety of annual ryegrass  
"AUBADE" is created on our own breeding station by  
Ingenieur Marc Joordens and is owned totally and  
allone by our company.

J. Joordens (Zaadhandel N.V.)  
2e Graaf van Loonstraat 40  
VENLO-BLERICK, Holland

*J. Joordens*  
J. Joordens-Zaadhandel N.V.  
Venlo-Blerick

Alle kopen en verkopen geschieden, wanneer niet anders overeengekomen, op Algemene Handelsvoorwaarden (A.H.V.Z.) - Leveringen af hier. Goederen reizen voor rekening en risico van de koper. - Alle betalingen dienen te geschieden ten onzen kantore binnen 60 dagen te rekenen vanaf factuurdatum. - Bij contante betaling 1% korting. - Bij niet-tijdige betaling is verschuldigd rente ad. 6 procent 's jaars, te rekenen vanaf de vervaldatum. - Alle kosten van inning, zowel gerechtelijk als buitengerechtelijk komen ten laste van debiteur.

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# Landiseed International Ltd.

17930 LAKE HAVEN DRIVE ■ LAKE OSWEGO, OREGON 97034

TELEPHONE: 503 620-6777

TELEX: 151505

CABLE: LANDISEED LAKEOSWEGO

July 15, 1986

Dr. Ken Evans  
United States Department of Agriculture  
Plant Variety Protection Office  
National Agricultural Library Building  
Beltsville, Maryland 20705

Dear Commissioner Evans:

Confirm talking to you over the telephone this morning with regards to the letter we wrote you on April 2, 1986, as per copy inclosed.

It appears that you either did not receive this letter, or it was mislaid. It is now fortunate that this was the case as the breeding firm has changed their mind, and wants to keep the Aubade variety of Annual Ryegrass under protection for another year at the least. So, if you should locate our letter of April 2, 1986, please disregard it.

On the other hand, you can proceed and drop PVP on the Game variety of Perennial Ryegrass as per our original request made in our letter of April 2, 1986.

Yours truly,

LANDISEED INTERNATIONAL LTD.

*Charles B. Linder*

CBL/ot

Copy: Willamette Seed & Grain  
Joordens', The Netherlands

COPY

April 2, 1986

Dr. Ken Evans  
United States Department of Agriculture  
Grain & Seed Division  
Plant Variety Protection Office  
National Agricultural Library Building  
Beltsville, Maryland 20705

301 344-2518

Dear Commissioner Evans:

As I advised you over the telephone yesterday, J. Joordens Zaadhandel B.V. of Kassel, The Netherlands, are the owners of both the Aubade variety of Annual Ryegrass, and Gama variety of Perennial Ryegrass. We are their representatives in the United States, and they have advised us that they would like to drop both varieties from Plant Variety Protection.

As per copies enclosed, on April 6, 1977, we were issued Certificate Number 7100043 for Aubade Annual Ryegrass, and during April 8, 1980, we were issued Certificate Number 7100045 for Gama Perennial Ryegrass.

You advised me over the telephone that the procedure to cancel the Protection was for me to write you a letter confirming this request, and I trust that this letter will fulfill the desires of the breeding firm in The Netherlands.

Yours truly,

LANDISEED INTERNATIONAL LTD.

CBL/pk

cc: Joordens, The Netherlands  
Willamette Seed & Grain, Shedd, Oregon

*Aubade leave under PVP*